



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

(1) Third Account and Report of Conservator and (2) Petition for Fees

Age: 76 years		CONNIE RANA , former Conservator, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 1/8/08 – 12/31/09	<p>Continued from 8/27/12. Minute order states the court indicates to the parties that it is maintaining jurisdiction over the actions of the conservator which took place during the time this court had jurisdiction. The Public Guardian is directed to advise the court in Nevada and the bond holder of the on-going issues. The court directs that any objections are to be filed by 9/27/12.</p> <p>Note: Petitioner, Connie Rana, was removed as Conservator of the Estate and the Public Guardian was appointed by Minute Order dated 6/18/13.</p> <p>Note: Connie Rana has filed her Fourth and Final Account. The hearing on that matter is scheduled for 11/15/12.</p>
		Accounting - \$782,889.76	
		Beginning POH- \$642,039.07	
		Ending POH - \$496,754.10	
		Conservator - waives	
		Attorney - \$4,187.50 (per itemization and declaration, 16.75 hours at \$250.00 per hour)	
		Current bond: \$800,000.00	
		Petitioner prays for an Order:	
		1. Settling and allowing the third account and report and approving and confirming the acts of petitioner as filed;	
		2. Authorizing Petitioner to pay her attorney the sum of \$4,187.50 for ordinary legal services provided to the conservator and the estate during the period of the account.	
Cont. from 102511, 120611, 012412, 030812, 050712, 061812, 072312, 082712			<p>1. Order dated 3/16/05 allowed the Conservator to fix the residence of the Conservatee to Las Vegas Nevada. With a provision that a conservatorship or its equivalent be established in the new state (Nevada) within 4 months. However, no conservatorship has been established in Nevada. Court may want to inquire about the establishment of a conservatorship in Nevada. – Order Transferring California Conservatorship and Appointing Guardian of the Person and Estate of Darleen Parks was filed by the Nevada Court on 6/22/12.</p> <p>Please see additional page</p>
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W/	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
✓	2620(c)		
	Order	X	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: KT
			Reviewed on: 10/19/12
			Updates:
			Recommendation:
			File 1 - Parks

2. **Disbursement schedule shows payments bi-monthly of \$2,700 to Rana and Rana for rent. The court may require clarification regarding these rent payments and whether or not Rana and Rana has any relationship to the conservator. California Rules of Court 7.1059(a)(4) states the conservator must not engage his or her family members to provide services to the conservatee for a profit of fee when other alternatives are available. Where family members do provide services, their relationship must be fully disclosed to the court and their terms of engagement must be in the best interest of the conservatee compared with the terms available from other independent service providers.** – Declaration of Conservator filed on 11/30/11 states the rental property is owned by the conservator and her husband; however, the sub-market rent is not sufficient to pay the mortgage, property taxes, insurance, and maintenance costs for the property. Conservator states she and her husband do not make any profit from the conservatee's tenancy.
3. **Disbursement schedule shows several months where it appears the conservatorship is paying the cell phone of the live in care provider Sandra Martin. Court may require clarification.** – Declaration of Conservator filed on 11/30/11 states the cell phone payments for Sandra Martin, live in care provider, because the care provider would often take the conservatee to various places and therefore, it was required that the care provider have a cell phone. Because it was a requirement for this care provider, it was agreed that the conservatorship would pay the costs.
4. **Disbursement schedule shows several months where there are two payments per month for Las Vegas Valley Water (utilities), Pesky Pete's Pest control, Embarq (phone), Cox Enterprises (cable service), Southwest Gas (utilities), Republic Service (trash), Nevada Power (utilities). It appears the conservatorship may be paying for more than just the conservatee's expenses. Court may require clarification.** – Declaration of Conservator filed on 11/30/11 states some payment were made, on behalf of the care providers, as part of the "barter" agreement between the care providers and the conservator. The various utilities or cable services expenses would be paid, on occasion, for the conservatee at her residence and on occasion as the "barter" for services by a care provider.
5. **Disbursement schedule shows items purchased that should be included on the property on hand schedule such as:**
 - a. **3/11/08 – TV Surround + patio furniture for \$1,723.65**
 - b. **4/22/08 – Washer and dryer for \$1,578.90**
 - c. **12/22/09 – firmer sofa (?) for \$2,196.19** – Declaration of Conservator filed on 11/30/11 states the purchases were necessary. (**Note:** The Examiner does not question whether not the purchases were necessary but that they are not listed on the property on hand schedule as required.)
6. **Disbursement schedule shows gifts of cash on 12/28/09 to the conservatee's great nephews, Josh Rana - \$250.00 and Jacob Rana - \$200.00. California Rules of Court, Rule 7.1059(b)(3) states the conservator must refrain from making loans or gifts of estate property, except as authorized by the court after full disclosure.** – Declaration of Conservator filed on 11/30/11 states the cash gifts are minimal reflections of the conservatee's affection for her great nephews.

Please see additional page

- 7. Disbursement schedule shows payments identified as Summerlin Dues (without stating the nature and purpose of the payment) as follows:**
- **4/15/08 - \$271.00**
 - **4/15/08 - \$271.00**
 - **8/26/08 - \$271.00**
 - **8/26/08 - \$271.00** - Declaration of Conservator filed on 11/30/11 states Summerlin is the name of the large planned development where the Conservatee (and conservator and her husband) reside. Because of the lower rental payments Conservator states she has paid (quarterly) the Summerlin assessment for the rental house. The four assessment payments are the only ones paid and the conservatorship has not been further charged for these homeowner assessments.
- 8. Disbursement schedule shows a transfer correction of \$250.00 on 12/22/08. Court may require clarification.**
- Declaration of Conservator filed on 11/30/11 states the payment of \$250.00 was to the Nevada DMV to license Darlene's 2003 Jaguar.
- 9. Disbursement schedule shows a disbursement for "Home Warranty" in the amount of \$313.95 on 5/27/09. Court may require explanation as to why the conservatorship is paying for home warranty when renting (see item #2 above).** - Declaration of Conservator filed on 11/30/11 states this is a 50-50 split for payment on the home warranty for the rental house.
- 10. Need Bank Statements as required by Probate Code 2620(c)(2).**
- 11. This conservatorship was established in 2003. Property on hand schedule from the 2nd account ending on 12/31/2007 shows promissory notes (all apparently established during the 2nd account period) as follows:**
- **\$38,000 dated 6/27/05 from Aaron Wallace secured by a Deed of Trust with interest at 16% per annum**
 - **\$252,000.00 dated 7/19/05 from Aaron Wallace secured by a Deed of Trust with interest at 13% per annum.**
 - **\$60,000.00 dated 10/11/05 from John P. Rana and Kea Rana with interest at 4% per annum. (It appears that John P. Rana is the son of the petitioner.)**
- Probate Code §2570 requires the Conservator to obtain prior court approval before investing money of the estate. There is nothing in the file to indicate the conservator obtained permission from the Court to invest money of the estate.** - Declaration of Conservator filed on 11/30/11 states the promissory notes contained in the 2nd account were paid current, principal and interest included. All the notes were first trust deeds secured by real properties with sufficient equities. However, because the notes were of such a high rate of return (16% and 13% interest annum), the mortgagor was in danger of being unable to make further payments, which would have resulted in the requirement of the conservatorship to foreclose on the properties. To avoid foreclosure and subsequent costs incurred, and to avoid owning the properties, the conservator, through her husband who is a real estate investor, replaced these notes with other notes also secured by first trust deeds which are now paying at a more normal rate of return of 4%.

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12. Property on hand schedule for this (the 3rd) accounting shows two promissory notes as follows:

- \$95,000 secured by 1209 Coral Isle Way, Las Vegas, NV with interest at 4% per annum and an outstanding balance of \$95,000.00
- \$205,000 secured by 11464 Crimson Rock, Las Vegas, NV with interest at 4% per annum an outstanding balance of \$191,286.22.

It appears that the promissory notes in the second account are not the same promissory notes in the third account. What happened to the promissory notes in the second account? Where they paid in full? Need clarification and need change in asset schedule. – Declaration of Conservator filed on 11/30/11 states the questions raised herein are addressed in the answer above. All principal and interest payments and current interest rates and principal balances are recorded on the Third Account and Report are accurate.

13. Need Order

Public Guardian's Objections to the Third Account and Report of Conservator and Petition for Fees was filed on 9/7/12. After reviewing the Account the Public Guardian objects as follow:

1. There are two utility bills paid every month within days of each other.
2. There is an extensive amount of supplies and food purchased for Ms. Parks and her care providers monthly.
3. Although Ms. Rana states that she uses the car (which is Ms. Parks' Jaguar) to transport her sister to outings, there is a van that is used to transport Ms. Parks. Why is the conservatee paying for two cars when she cannot drive?
4. There are many insurance payments made, but do not specify for why type of insurance. There are also large gaps as to when insurance payments are being made. They are not monthly or quarterly.
5. Two different pest control company bills are being paid.
6. There is a monthly cleaning bill. In the Public Guardian's experience, care providers do the cleaning while the person receiving the care is resting or not needing assistance. Furthermore, the cleaning company was coming twice a month, sometimes within 3 days of each other.
7. Charges were made to Charlotte Rouse clothing store, which caters to the 15 – 25 year old age group. The conservatee is older than 65.
8. Two monthly trash service bills are being paid each month.
9. In late 2008 there were two cable bills being paid each month.
10. There was \$4,460 paid for the installation of window fixtures on a home that the conservatee rents.

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Objections of the Public Guardian continued:

11. There was insurance with different medical companies. What was paid for as a co-pay or deductible? On 2/5/08, she paid "Insurance, med pay" (\$1,079.14), 04/17/08 – "Insurance" (\$1,132.00) but does not specify what insurance, listed Humana Health Insurance deductible (\$1,620.00 – 09/05/08), Health Net, Right Source Rx, and "A&A Insurance add on H.O. prem." (\$300.00) What is Medicare covering? Physical therapy should be covered under insurance if the doctor is prescribing it. Some insurance companies, whether primary or secondary to Medicare, should be picking up some of the expenses and visa-versa.
12. What is RC Wille Firmer So?? Purchased on 12/22/09?
13. Why were new lamps purchased on 12/22/09 for \$285.65?

Wherefore, the Public Guardian requests the Court deny Petitioner's third account as set forth.

Second Supplemental Declaration of the former Conservator, Connie Rana filed on 10/3/12. Ms. Rana responds to the Public Guardian's Objections number 1-13 in sequence, as follows:

1. **Utilities** – There are two utility bills paid because there is a similar "barter" paid for the Conservatee's in-home care givers. The amounts paid are an "offset" or "barter" for the caregivers in exchange for their services. There is no personal benefit of any of these payments for the Conservator. The amounts are quite modest and do not cause harm or threat to the estate.
2. **Supplies and Food** – Some supplies and expenses are for the care providers, who are often there for 10 hours at a time and require meals. However, much of the expense is to buy the conservatee her adult diapers at \$50 per box, of which she wears at least 5 per day, plus other supplies such as lotions, shampoos, toothpaste, paper products as well as food.
3. **Vehicle** – The conservatee has two vehicles (and has had these throughout the conservatorship). The van is necessary to transport the conservatee, as she is wheelchair bound. She also likes to drive in her other vehicle, a Jaguar, which is paid for. The cost of maintaining the two vehicles is minimal compared to the convenience it provides. The Conservatee is proud of her Jaguar (which was almost new when she had her stroke) and she enjoys being in it. The Conservator and her family have extensive vehicles of their own and do not use the Conservatee's vehicles.
4. **Insurance** – The only insurance that is paid for on behalf of the conservatee is for the vehicles and for her renter's insurance. This is generally paid on a semi-annual basis.
5. **Pest Control** – Besides the monthly bill for the conservatee's residence, a second bill is often paid for for an in-home care provider as a "barter." These payments are included in the general costs to care for the Conservatee and have been previously reviewed and approved by this court including, on the Second Account and Report, which was approved on 7/14/11.
6. **House Cleaning** – The home is relatively large and has other persons (care providers) in it daily, in addition to the conservatee. Contrary to the Public Guardian's "experience" the care providers that Ms. Rana has hired do not do the cleaning and have not been hired to do so. All cleaning bills were for the benefit of the Conservatee.

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- 7. Charlotte Rouse** – The Conservator is informed that Charlotte Rouse has stores other than the “15-25 year old group” and also for “larger” women like the Conservatee. The only purchases at Charlotte Rouse would have been the Conservatee’s nightgowns.
- 8. and 9 Trash Services and Cable Bill** – These are the same “barter services” for care givers necessary to maintain 24 hour care for the Conservatee
- 10. Window Fixtures** – New windows were necessary in the home for the comfort of the Conservatee.
- 11. Insurance** – The only insurance available to the Conservatee, and of which she has been a member since she retired, is Humana Insurance. Humana is not part of the Medicare system; it is separate coverage and is excluded from Medicare.
- 12. RC Willey** – Is a furniture store where the Conservator purchased a new and firmer sofa for the conservatee.
- 13. New Lamps** – New lamps were necessary because the old ones in her bedroom broke.

The above expenditures are generally minimal and are necessary and convenient for the maintenance of the household and the care and comfort of the conservatee, who has been in Las Vegas for over 7 years and resides 24 hours per day in her residence. Ms. Rana states she has been appointed guardian of the person and estate of Darlene Parks in Clark County, Nevada. An Order for Emergency Release of Funds for Guardian to Pay Monthly Expenses from Blocked Accounts was filed on 8/15/12 in Clark County, Nevada. The order was prepared after Ms. Rana submitted a budget, through her attorney in Nevada, for funds to be removed from the blocked accounts for the care of the Conservatee. The budget was approved in the amount of \$8,460 per month. Ms. Rana states that she has approval from the Nevada Court, which now has jurisdiction over the person and estate of the conservatee of nearly the same expenses and budget that she has previously expended for the ongoing care of the conservatee.

Memorandum Re Third Account and Report of Conservatee filed by Connie Rana on 10/3/12. States she was appointed as conservator in 2003 because it was determined that Darlene [conservatee] was incapable of caring for herself or her financial matters as a result of a stroke. This condition has remained unchanged for nearly 9 years and Darlene receives the same 24 hour a day care she has had since her stroke. This court granted Ms. Rana's petition to move the Darlene to Nevada on 3/16/2005. Darlene has resided primarily in Nevada since that time. The Third Account has been submitted and is pending approval by this court subject to various questions by the probate examiners, the court and now the Public Guardian.

Petitioner contends that since the court granted permission for the conservatee to move to Nevada and a new proceeding is in effect in Nevada, California courts have no jurisdiction to order the “return” of the Conservatee to this state or to cancel the previous order by which the Conservatee was removed to Nevada. The Court's jurisdiction is now limited to Probate Code §2630. Without fully addressing this jurisdictional issue, there are no substantive reasons for this court not to approve the current Third Account and Report.

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Memorandum Re Third Account and Report of Conservatee filed by Connie Rana on 10/3/12 continued:

From review of the Probate Examiner's notes, and the Court's various comments, the primary concerns are that the Conservator failed to disclose, or failed to receive prior approval of certain transactions which may have been considered "self-dealing" by the court. These matters have been fully explained, and justified in the "Supplemental Declaration and Report of the Conservator." Primarily there has been no showing of harm or loss to the estate of the Conservatee. In fact, as the Third Account and Report shows, the investments provided higher than market value returns.

The Court and the examiners have had more than ample opportunity to review the "transactions" that they may have considered questionable. The fact that the examiners may have decided to "over analyze" every transaction, and point out to the court such *di minimis* matters as the payment of a caregiver's cell phone bill or gifts to the conservatee's great nephews does not create a breach of fiduciary duty.

Upon request by this court, the Public Guardian's office filed objections to the Third Account. The objections have been addressed by Ms. Rana in her Second Supplemental Declaration.

Under the above circumstances and law in this area, the Court is well within its authority in reviewing all transactions and actions by the conservator to approve such transactions which may have required prior court approval, as well as final approval of the Third Account. It should be noted that Ms. Rana is the conservatee's only sibling and closest relative. She has devoted herself for over 9 years to the care of her sister without compensation. She has provided 24 hour, 7 days a week care of her sister with the specific intent not to transfer her to a skilled nursing facility and has expended personal time and effort, well beyond that of any normal conservator's obligation, for her sister. If it is the position of the examiners and this court that, for example, the Conservatee should not be in a quality home owned by the conservator but should, instead, perhaps live next door in a house owned by some other person and pay the same or more rent, it would be the triumph of "procedure" over "substance" and would not provide any greater care or comfort to the conservatee.

Atty Matlak, Steven M., of Dowling Aaron Inc. (for Petitioner Mirna Fraga, Trustee)
 Atty Henderson, Kent, of Sayre Law Offices, Santa Ana (for Plaintiff Mirna Fraga in 2008 Civil Action)
 (1) Petition for Settlement of Fourth Account Current and Report of Trustee; (2) Approval of Trustee and Attorney's Fees and Costs, (3) Approval of Reimbursement to Trustee for Out-of-Pocket Expenses, (4) Approval of Reduction of Bond, and (5) Approval to File Future Court Accountings Biennially [Prob. C 2620, 2600 et seq., CRC Rule 7.903(c)(6)]

Age: 20 years		MIRNA FRAGA , mother and Trustee of the JUAN FRAGA JR. IRREVOCABLE SPECIAL NEEDS TRUST (SNT) dated 11/5/2008 , is Petitioner.		NEEDS/PROBLEMS/COMMENTS:
Cont. from		Account period: 7-18-2011 through 7-17-2012		<p>Note: Based on the annuity payment schedules, the SNT Beneficiary is to receive his next lump sum payments from the American General Financial Group annuity on 6/10/2013 of \$12,500.00, and from the Hartford Life Insurance Co. annuity on 6/10/2013 of \$12,500.00, which appears to show the reduced amount of bond requested by Petitioner will be sufficient.</p> <p>Note: Per Order on Sixth Amended Petition to Establish Special Needs Trust of Juan Carlos Fraga, Jr., filed 10/2/2008, the SNT holds a lien on the Trustee's house in the amount of \$48,008.40, which represents the cost of construction of an additional bedroom and bathroom for the SNT Beneficiary. ~Please see additional page~</p>
	Aff.Sub.Wit.	Accounting	- \$83,711.40	
✓	Verified	Beginning POH	- \$83,670.05	
	Inventory	Ending POH	- \$45,967.15 (all cash)	
	PTC	Trustee	- \$250.00 (for preparation of this accounting)	
	Not.Cred.	Trustee's Costs	- \$2,186.18 (for co-payment, Beneficiary's airfare, online high school expenses, Beneficiary's car registration, new cell phone for Beneficiary and costs for cell phone service in excess of court-approved cell phone allowance)	
✓	Notice of Hrg	Attorney	- \$4,581.00 (Declaration to be filed prior to hearing)	
✓	Aff.Mail	Attorney Costs	- \$435.00 (filing fee)	
	Aff.Pub.	Petitioner requests:		
	Sp.Ntc.	<ul style="list-style-type: none"> The Bond be reduced from its current amount of \$188,140.80 to a total of \$78,110.07 based on the current value of the Trust (\$45,967.15 cash and the estimated income to be earned of \$42.00 interest and \$25,000.00 in annuity payments); The Court allow Petitioner to file accounts and reports as required by Probate Code §§ 1060 et seq. and 2620 et seq. for Court approval biennially rather than annually in order to save SNT money by reducing administrative costs; SNT requires accountings to be filed every year on the first day of September for the duration of the SNT. ~Please see additional page~ 		
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/S			
	Objections			
	Video Receipt			
	CI Report			
✓	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
				Reviewed by: LEG Reviewed on: 10/22/12 Updates: Recommendation: File 2 - Fraga

Petitioner requests for an Order:

1. Approving, allowing and settling the Fourth Account Current and Report of Trustee, and ratifying, confirming and approving all acts and transactions of Petitioner as set forth in the Petition;
2. Allowing the compensation of **\$250.00** to the Trustee;
3. Authorizing Petitioner to reimburse herself for her out-of-pocket costs of **\$2,186.18**;
4. Authorizing payment of the attorney fees of **\$4,581.00** and reimbursement of out-of-pocket costs of **\$435.00**;
5. Fixing bond at the reduced sum of **\$78,110.07**; and
6. Authorizing Petitioner to file accounts and reports for Court approval biennially rather than annually.

NEEDS/PROBLEMS/COMMENTS, continued:

1. *Schedule D, Disbursements* shows the purchase of a 2011 Toyota Tacoma Truck on 7/26/2011 for **\$26,000.00** pursuant to the *Order on Petition for Authorization of Discretionary Distributions from Special Needs Trust* filed 6/2/1011 allowing such purchase for Juan Fraga, Jr., in an amount not to exceed **\$26,000.00**. *Schedule H, Property on Hand at Close of Account* **does not but should** include the 2011 Toyota Tacoma Truck as an **asset of the SNT**, particularly in light of the facts that not only were SNT funds used to purchase the truck as a **distribution** to the Beneficiary, but also that the SNT disbursements show the **\$100.00 monthly** expenditure for automobile insurance on the truck totaling **\$1,100.00** during this account period (as authorized per *Order on Petition for Authorization of Discretionary Distributions from Special Needs Trust* filed 6/2/1011.) Need a filed declaration as amendment to the accounting showing the correct property on hand in the appropriate schedules.
2. *Schedule D, Disbursements* shows the purchase of a computer on 1/30/2012 for **\$2,500.00** pursuant to the *Order on Petition for Authorization of Discretionary Distributions from Special Needs Trust* filed 6/2/1011 allowing such purchase for Juan Fraga, Jr., in an amount not to exceed **\$2,500.00**. *Schedule H, Property on Hand at Close of Account* **does not but should** include the computer as an **asset of the SNT**, particularly in light of the fact that SNT funds were used to purchase the computer as a **distribution** to the Beneficiary. Need a filed declaration as amendment to the accounting showing the correct property on hand in the appropriate schedules.
3. *Order on Petition for Authorization of Discretionary Distributions from Special Needs Trust* filed 6/2/1011 finds: "Petitioner is authorized to disburse up to **\$2,000.00** for the purchase of a bedroom set for Juan Fraga, Jr." *Schedule C, Disbursements* contained in the *Petition for Settlement of Third Account Current* filed 9/2/2011 shows the purchase for Juan Fraga, Jr. on 6/21/2011 of a bedroom set in the amount of **\$2,000.00**. *Schedule H, Property on Hand at Close of Account* (for the instant Fourth Accounting) **does not but should** include the bedroom set as an **asset of the SNT**, particularly in light of the fact that SNT funds were used to purchase the bedroom set as a **distribution** to the Beneficiary. Need a filed declaration as amendment to the accounting showing the correct property on hand in the appropriate schedules.

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NEEDS/PROBLEMS/COMMENTS, continued:

4. Order on Petition for Authorization of Discretionary Distributions from Special Needs Trust filed 6/2/1011 finds: "Petitioner is authorized to disburse a monthly amount **not to exceed \$45.00** from the Trust for the cost of a monthly cell phone plan for Juan Fraga, Jr." Petitioner requests reimbursement of the sum of **\$1,103.58** as itemized in the Schedule entitled *Out of Pocket Expenses of Mirna Fraga* for a cell phone (iPhone 4s) and cell phone service charges that are, as *Petition* states, "over and above the **\$45.00** allowed by the Court." While the *Petition* states that the Petitioner has not actually disbursed this requested **\$1,103.58** from the Trust assets, it is not clear from the *Petition* what circumstances have changed since the 6/1/2011 Order that form the basis for Petitioner's request for additional monies for cell phone and cell phone service to be paid to her from the Trust. (Note: The cell phone considered as a disposable asset is not required to be included as an SNT asset on the property on hand schedule. The other expenses for which Petitioner requests reimbursement total **\$1,084.60** and include one medical co-payment, registered mail for taxes, Beneficiary's airfare for family trip to Mexico (\$395.47), truck registration, and online high school expenses (\$374.96), which the Court may find are reimbursable expenses.)
5. *Petition* states the attorneys for the Trustee will submit a separate fee declaration prior to the hearing on this matter in support of their request for fees of **\$4,581.00**. Court records show such fee declaration has not been filed as of 10/22/2012.
6. *Petition* requests reasonable costs be reimbursed to Petitioner's attorney in the amount of **\$435.00** for the Court filing fee for the *Petition for Settlement of Fourth Account Current and Report of Trustee*. However, Court records show a filing fee of **\$200.00** was paid for the filing of this *Petition* on 9/12/2012; therefore, request for cost reimbursement to Petitioner's attorney for the filing fee should not exceed **\$200.00**.
7. Need revised proposed order which includes the correct property on hand, filing fee cost, and any other corrections necessitated by the Court's order following the hearing.

Note: If *Petition* is granted, Court will set status hearings as follows:

- **Friday, November 30, 2012, at 9:00 a.m. in Dept. 303** for filing of proof of reduced bond.
- **Friday, December 20, 2013, at 9:00 a.m. in Dept. 303** if a one-year account is required per SNT terms;
OR
- **Friday, December 19, 2014, at 9:00 a.m. in Dept. 303** if a two-year account is allowed by Court.

Pursuant Local Rule 7.5, if the documents noted above are filed 10 days prior to the date listed, the hearing will be taken off calendar and no appearance will be required.

Dept. 303, 9:00 a.m. Thursday, October 25, 2012

(1) First and Final Account and Report of Special Administrator and (2) Petition for Allowance of Ordinary and Extraordinary Commissions and Fees and (3) for Distribution

DOD: 1-1-2000		PUBLIC ADMINISTRATOR , Special Administrator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: Continued from 10-25-12 at request of County Counsel. As of 10-19-12, nothing further has been filed. 1. Petitioner requests payment of the entire amount of the statutory fees to Public Administrator and County Counsel; however, Examiner notes that the former Administrator and former attorney may be entitled to a portion of the fees. The Court may require clarification and/or notice to Attorney John Barrus' office. 2. Heirs David Polin and Anthony Polin, Sr., previously filed Assignments of Interest for a portion of their shares (\$1,000.00 each) to "Ken and Albeza Kemmerrer." This petition does not appear to reference these assignments. Need clarification or withdrawals of the assignments. 3. Need Order.
		Account period: 3-27-12 through 6-6-12	
Cont. from 081612, 092012		Accounting: \$50,100.00	
	Aff.Sub.Wit.	Beginning POH: \$45,000.00	
✓	Verified	Ending POH: \$45,963.69 (cash)	
✓	Inventory	Public Administrator (Statutory): \$2,004.00	
✓	PTC	Public Administrator (Extraordinary): \$1,248.00 (for sale of real property per Local rule and preparation of tax returns (1 Deputy hour @ \$96/hr and 2 Staff hours @ \$76/hr)	
✓	Not.Cred.	Attorney (Statutory): \$2,004.00	
✓	Notice of Hrg	Bond fee: \$31.31 (ok)	
✓	Aff.Mail	Costs: \$446.00 (filing, certified copies)	
	Aff.Pub.	Distribution pursuant to intestate succession:	
	Sp.Ntc.	Arthur Polin, Jr.: \$6,705.07	
	Pers.Serv.	Anthony Polin, Sr.: \$6,705.07	
	Conf. Screen	David G. Polin: \$6,705.06	
	Letters	Beatrice Valdez: \$6,705.06	
	Duties/Supp	Josephine Bourbon: \$6,705.06	
	Objections	Anthony Aldama: \$6,705.06	
	Video Receipt		
	CI Report		
✓	9202		
	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
✓	FTB Notice		

(1) First and Final Account and Report of Administrator and Petition for Its Settlement and (2) for Allowance of Statutory Fees and Commissions and For (3) Final Distribution

DOD: 3-24-08		LINDA LADD , Daughter and Administrator with Full IAEA and bond of \$40,000.00, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Petitioner states: "Notice of the initiation of this probate proceeding was not required at the time these proceedings were commenced." It is unclear if this statement refers to the notice to the Franchise Tax Board required by Probate Code §9202(c)(1); <u>however, because Letters were issued after 7-1-08, notice is required.</u> Need verification that notice was sent to Franchise Tax Board pursuant to Probate Code §9202(c)(2). The Court may require continuation for appropriate notice. 2. Need §13100 declarations from Justin and Joshua since their parent post-deceased the decedent.
		Account period: 3-24-08 through 8-20-12	
		Accounting: \$150,000.00	
		Beginning POH: \$150,000.00	
		Ending POH: \$ 15,013.75 (cash)	
		Administrator (Statutory): \$3,680.00	
		Attorney (Statutory): \$3,680.00	
		Closing: \$2,500.00 (accountant, reserve)	
		Distribution pursuant to intestate succession:	
		Linda Ladd: \$858.95 (1/6)	
		Janetta V. Van Pelt: \$858.95 (1/6)	
		Erma Cook: \$858.95 (1/6)	
		Earl McDonald: \$171.79 (1/5 of 1/6)	
		Lenora Adams: \$171.79 (1/5 of 1/6)	
		Roberta McDonald: \$171.79 (1/5 of 1/6)	
		Tricia Matthews: \$171.79 (1/5 of 1/6)	
		Stephanie McDonald: \$85.90 (1/2 of 1/5 of 1/6)	
		Leeann McDonald: \$85.90 (1/2 of 1/5 of 1/6)	
		Benjamin Townsend: \$429.48 (1/2 of 1/6)	
		Justin Townsend: \$214.74 (1/2 of 1/2 of 1/6)	
		Joshua Townsend: \$214.74 (1/2 of 1/2 of 1/6)	
		Cynthia Sumrall: \$214.74 (1/4 of 1/6)	
		Elizabeth Manley: \$214.74 (1/4 of 1/6)	
		Brian Childress: \$214.74 (1/4 of 1/6)	
		Kristina Durney \$214.74 (1/4 of 1/6)	
<input type="checkbox"/>	Aff.Sub.Wit.		
✓	Verified		
✓	Inventory		
✓	PTC		
✓	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	w	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
✓	Letters	11-7-08	
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
✓	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice	X	

Petition for Settlement of First Account Current and Report of Trustee, Approval of Attorney's Fees and Costs, Approving Reduction of Bond and Waiving Future Accountings [Prob. C. 2628(a), 3600, et seq., Cal. Rules of Ct. Rule 7.903(c)]

Age: 14 years		STEVEN WILLEY , father/Trustee, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 6/27/11 – 5/31/12	
		Accounting - \$53,942.25	1. The order approving the establishment of this special needs trust allowed reimbursement to the attorney of a filing fee in the amount of \$395.00 upon review, it has been discovered that the filing fee charged was \$200.00 and not \$395.00. It appears that the attorney should reimburse the trust \$195.00 for the difference in the amount approved for reimbursement and the amount actually paid. 2. This petition also request reimbursement of costs (filing fee) in the amount of \$435.00. The actual filing fee paid was \$200.00. 3. Petition states that the Petitioner has not hired any person who has a family or affiliate relationship with the Petitioner however the invoices for remodel work done on the home is by K Steven Willey. The court may require clarification. <p align="center">Please see additional page</p>
		Beginning POH - \$53,317.25	
		Ending POH - \$ 6,565.67	
Cont. from		Current bond : \$60,317.25	
<input type="checkbox"/>	Aff.Sub.Wit.	Trustee - Not addressed	
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg	Attorney - \$3,876.00 (5.40 hours attorney time @ \$195 - \$335 per hour and 17.0 hours paralegal time at \$125 - \$130 per hour and 2 hours of attorney time @ \$335/hr in anticipated time.)	
<input checked="" type="checkbox"/>	Aff.Mail	W/	<p align="center">Please see additional page</p>
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.	Costs - \$435.00 (see note #2)	
<input type="checkbox"/>	Pers.Serv.	Petitioner requests bond be reduced to \$7,222.24/	
<input type="checkbox"/>	Conf. Screen	Petitioner requests that pursuant to Probate Code §2628(a) future accountings be waived.	
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report	Petitioner prays for an Order that:	
<input checked="" type="checkbox"/>	2620	1. The first account of trustee be settled, allowed and approved as filed, and all the acts and transactions of Petitioner be ratified approved and confirmed;	Reviewed by: KT Reviewed on: 10/22/12 Updates: Recommendation: File 6 - Willey
<input checked="" type="checkbox"/>	Order	2. Petitioner be authorized to pay attorney fees totaling \$4,176.00 and \$435.00 in costs;	
<input type="checkbox"/>	Aff. Posting	3. Bond for Steven Willey be reduced to \$7,222.24;	
<input type="checkbox"/>	Status Rpt	4. Petitioner need not present future accountings as long as the estate continues to meet the requirements of Probate Code §2628.	
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Note: Petition states Petitioner made personal loans to himself of Trust funds in the total amount of \$11,538.61 with interest at 2% per annum. Petition states the Petitioner did not consult with his attorney before taking the loans. Petitioner has made three payments on the loan and offset portions of the loans for additional expenses incurred to renovate the house and to install the swing equipment for Michael in the back yard. The final payment on the loans was made by the Petitioner on 6/21/12, after the account period. Based on the payment on 6/21/12 the loans have been paid in full.

NEEDS/PROBLEMS/COMMENTS (continued):

4. Petition states that at the hearing approving the Special Needs Trust, the notes of Steven Matlak, Counsel for Petitioner, reflect that he discussed Petitioner's plan to modify his home for the benefit of Michael Willey. Mr. Matlak's notes further reflect Judge Robert H. Oliver stated at the hearing that no further court approval was needed for modifications to the house that fit within the meaning of "special needs." Not all the work done on the home appears to be for the "special needs" of the beneficiary, such as the new roof, skylights, attic fan, bath fan and rain gutters. Those items appear to be for the benefit of the family and not the "special needs" of the beneficiary.
5. There are several disbursements for renovations of the home. Several of the disbursements show a total amount and another amount for "Mike's Portion". It is unclear how Mike's portion is determined sometimes it is 1/7 and other times it is much more. The court may require clarification.
6. On 7/22/11 there is a disbursement to Lumber Liquidators for removal of existing carpet in bedroom, hallway and entry to replace with wood flooring allowing easier wheelchair access. Then on 10/31/11 there is another disbursement for tile work in entry, hallway, bathroom and den. Why are there charges for both wood flooring and tile in the hallway and entry?
7. On 7/22/11 there is a disbursement to Lumber Liquidators for removal of existing carpet in bedroom, hallway and entry to replace with wood flooring allowing easier wheelchair access. Then on 10/31/11 there is another disbursement for tile work in entry, hallway, bathroom and den. There is also an invoice from K. Steven Willey dated 9/20/11 that is for labor to remove old wood flooring in entry area and hallway. Labor to install wood flooring in Mike's bedroom, Labor to demo hallway, entry and living area. Labor to prepare hallway, entry area and living room for new tile and the purchase of 2 nail guns to install subflooring and wood floors. There are charges for both wood flooring and tile flooring for the same areas from several different vendors. Court may require clarification. Who installed the wood flooring? Who installed the tile flooring? What area was tile and what area was wood flooring?

(1) First and Final Account and Report of Executrix and Petition for Its Settlement,
and (2) for Allowance of Commissions and Fees and Final Distribution

DOD: 03/05/11		DOROTHY ARAKELIAN , Executrix, is Petitioner.		NEEDS/PROBLEMS/COMMENTS:	
		Account period: NOT STATED		1. The accounting period is not stated in the Petition. Need dates of accounting period.	
		Accounting - \$62,000.00		2. Need statement regarding notice of the administration to the Franchise Tax Board pursuant to Probate Code § 9202(c).	
		Beginning POH - \$62,000.00		3. Need consent to serve as Custodian from Dorothy Arakelian.	
		Ending POH - \$48,890.09 (all cash)			
Cont. from		Executrix - waived			
<input type="checkbox"/>	Aff.Sub.Wit.	Attorney - \$2,480.00			
<input checked="" type="checkbox"/>	Verified	(statutory)			
<input checked="" type="checkbox"/>	Inventory				
<input checked="" type="checkbox"/>	PTC				
<input checked="" type="checkbox"/>	Not.Cred.				
<input checked="" type="checkbox"/>	Notice of Hrg				
<input checked="" type="checkbox"/>	Aff.Mail	w/			
<input type="checkbox"/>	Aff.Pub.				
<input type="checkbox"/>	Sp.Ntc.	Costs - \$1,260.00 (for filing fees, publication, certified copies, and probate referee)			
<input type="checkbox"/>	Pers.Serv.				
<input type="checkbox"/>	Conf. Screen				
<input type="checkbox"/>	Letters	01/26/12			
<input type="checkbox"/>	Duties/Supp	Distribution, pursuant to Decedent's Will, is to:			
<input type="checkbox"/>	Objections	The University of LaVerne - \$1,000.00			
<input type="checkbox"/>	Video Receipt	Nicholas D. Kavoian (a minor)- \$5,000.00 to be distributed to Dorothy Arakelian as Custodian until he reaches 25 years			
<input type="checkbox"/>	CI Report	Alexandra N. Kavoian(a minor)- \$5,000.00 to be distributed to Dorothy Arakelian as Custodian until she reaches 25 years			
<input checked="" type="checkbox"/>	9202	Dorothy Arakelian - \$34,150.09		Reviewed by: JF	
<input checked="" type="checkbox"/>	Order			Reviewed on: 10/22/12	
<input type="checkbox"/>	Aff. Posting			Updates:	
<input type="checkbox"/>	Status Rpt			Recommendation:	
<input type="checkbox"/>	UCC/JEA			File 7 - Kavoian	
<input type="checkbox"/>	Citation				
<input type="checkbox"/>	FTB Notice	x			

Age: 81 years		CATHERINE A. AMADOR , attorney for Conservators of the Person, MICHAEL H. SMITH and JENNA R. SMITH , is petitioner. MICHAEL H. SMITH and JENNA R. SMITH were appointed Conservators of the person and the PUBLIC GUARDIAN was appointed as Conservator of the estate on 7/12/12. Petitioner states she represented Michael H. Smith and Jenna R. Smith in their petition to be appointed conservator of the person and estate of Dorothy Jean Smith. Objections were filed by the Conservatee's husband, Benjamin Smith and their grandson, Michael H. Smith, Jr. (Butch). At the hearing, the parties agreed to the appointment of Michael and Jenna as conservators of the person and the Public Guardian as conservator of the estate. Petitioner states she spent 58.9 hours at \$265.00 per hour on this matter for a total of \$13,894.50 . In addition, Petitioner requests reimbursement of costs totaling \$632.00 and \$277.89 in administrative expenses.	NEEDS/PROBLEMS/COMMENTS: 1. Probate Code 2640 states that a request for attorney fees can be filed at any time after the filing of the inventory and appraisal, but not before 90 the expiration of 90 days from the issuance of letters or at any time the court for good cause orders. The inventory and appraisal has not been filed in this matter and the petition does not state a good cause reason why the court should grant an award of fees prior to the filing of the inventory and appraisal. 2. Need proof of service of the Notice of Hearing on: a) Public Guardian b) Heather Kruthers, attorney for the Public Guardian. 3. Proof of Service of the Notice of Hearing does not include the date the Notice of Hearing was mailed to the parties listed. 4. Signature of the person service the Notice of Hearing is not dated. 5. Costs include Court runner fees totaling \$80.00. Local Rule 7.17B states runner services are considered by the court to be a part of the cost of doing business and are not reimbursable costs or fees. 6. Petition requests the reimbursement of administrative expenses without stating what the administrative expenses are. 7. The itemization of the attorney's fees includes several entries after the appointment of the Public Guardian as conservator of the estate that appear to be for issues involving the estate. It appears that charges involving the estate are beyond what should have been charged by the attorney for the conservator of the person. 8. Need Order
Cont. from			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
✓ Notice of Hrg			
✓ Aff.Mail	W/		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order	X		
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
Reviewed by: KT			
Reviewed on: 10/22/12			
Updates:			
Recommendation:			
File 8 - Smith			

Petition for Probate of Will and for Letters Testamentary; Authorization to
Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 12/21/11		DANIEL K. THOMAS , son/named executor without bond, is petitioner. Full IAEA - o.k. Will dated: 5/27/2007 Residence: Fresno Publication: Fresno Business Journal Estimated value of the estate: Real property - \$70,000.00 Probate Referee: Rick Smith	NEEDS/PROBLEMS/COMMENTS: <u>Note:</u> Status hearings will be set as follows: <ul style="list-style-type: none"> Friday, March 22, 2013 at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal. Friday, December 20, 2013 at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.				
Cont. from							
✓	Aff.Sub.Wit.						
	Verified						
	Inventory						
	PTC						
	Not.Cred.						
	Notice of Hrg						
✓	Aff.Mail W/						
✓	Aff.Pub.						
	Sp.Ntc.						
	Pers.Serv.						
	Conf. Screen						
✓	Letters						
	Duties/Supp						
	Objections						
	Video Receipt						
	CI Report						
	9202						
✓	Order						
	Aff. Posting						
	Status Rpt						
	UCCJEA						
	Citation						
	FTB Notice						
		<table border="1"> <tr> <td>Reviewed by: KT</td> </tr> <tr> <td>Reviewed on: 10/22/12</td> </tr> <tr> <td>Updates:</td> </tr> <tr> <td>Recommendation: SUBMITTED</td> </tr> <tr> <td>File 9 - Thomas</td> </tr> </table>	Reviewed by: KT	Reviewed on: 10/22/12	Updates:	Recommendation: SUBMITTED	File 9 - Thomas
Reviewed by: KT							
Reviewed on: 10/22/12							
Updates:							
Recommendation: SUBMITTED							
File 9 - Thomas							

Petition to Determine Succession to Real and Personal Property (Prob. C. 13151)

DOD: 5/26/12		EDWARD TOVAR , and RAY TOVAR , sons and BRIAN TOVAR and ERIC TOVAR , grandsons, are petitioners. 40 days since DOD. No other Proceedings. Decedent died intestate. I & A - \$137,059.26	NEEDS/PROBLEMS/COMMENTS:	
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail	W/O	Petitioners request court determination that decedent's 100% interest in real property located at 5274 E. Balch in Fresno and cash totaling \$12,059.36 passes to them pursuant to intestate succession.	
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
			Reviewed by: KT	
			Reviewed on: 10/22/12	
			Updates:	
			Recommendation: SUBMITTED	
			File 10 - Tovar	

Atty Coleman, William H., of Coleman & Horowitz (for Petitioner Debra A. White)

Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 8/22/2012		DEBRA A. WHITE , daughter and named Executor without bond, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:										
		Full IAEA – O.K.	1. Decedent's Will and the First Codicil to the Will were executed in Hermiston, Oregon, County of Umatilla. Probate Code § 6113(b) provides that a Will is valid in California if its execution complied with the law of the place of execution at the time of execution. Pursuant to Probate Code § 6113(b), need proof that the execution of Decedent's Will complied with the law in the state of Oregon on 12/10/2003, the time of execution of the Will by Decedent, and that the execution of Decedent's First Codicil to the Will complied with the law in the state of Oregon on 4/19/2006, the time of execution of the First Codicil by Decedent.										
Cont. from		Will dated: 12/10/2003 Lost Codicil dated: 04/19/2006	2. Decedent's Will and the First Codicil to the Will are not self-proving in the attestation clause pursuant to Probate Code § 8220 and Code of Civil Procedure § 2015.5. Need <i>Proof of Subscribing Witness</i> to the Will and to the First Codicil to the Will pursuant to Probate Code § 8220.										
<input type="checkbox"/>	Aff.Sub.Wit.	Residence – Kerman Publication – <i>The Kerman News</i>	~Please see additional page~										
<input checked="" type="checkbox"/>	Verified												
<input type="checkbox"/>	Inventory	<u>Estimated value of the Estate:</u> Personal property - \$887,000.00 Annual income from P/P – <i>to be determined</i> Total - \$887,000.00	<table border="1"> <tr><td colspan="2">Reviewed by: LEG</td></tr> <tr><td colspan="2">Reviewed on: 10/23/12</td></tr> <tr><td colspan="2">Updates:</td></tr> <tr><td colspan="2">Recommendation:</td></tr> <tr><td colspan="2">File 11 - Georgeson</td></tr> </table>	Reviewed by: LEG		Reviewed on: 10/23/12		Updates:		Recommendation:		File 11 - Georgeson	
Reviewed by: LEG													
Reviewed on: 10/23/12													
Updates:													
Recommendation:													
File 11 - Georgeson													
<input type="checkbox"/>	PTC	Probate Referee: Steven Diebert											
<input type="checkbox"/>	Not.Cred.												
<input checked="" type="checkbox"/>	Notice of Hrg												
<input checked="" type="checkbox"/>	Aff.Mail												
<input checked="" type="checkbox"/>	Aff.Pub.												
<input type="checkbox"/>	Sp.Ntc.												
<input type="checkbox"/>	Pers.Serv.												
<input type="checkbox"/>	Conf. Screen												
<input type="checkbox"/>	Aff. Posting												
<input checked="" type="checkbox"/>	Duties/Supp												
<input type="checkbox"/>	Objections												
<input type="checkbox"/>	Video Receipt												
<input type="checkbox"/>	CI Report												
<input type="checkbox"/>	9202												
<input checked="" type="checkbox"/>	Order												
<input checked="" type="checkbox"/>	Letters												
<input type="checkbox"/>	Status Rpt												
<input type="checkbox"/>	UCCJEA												
<input type="checkbox"/>	Citation												
<input type="checkbox"/>	FTB Notice												

NEEDS/PROBLEMS/COMMENTS, continued:

3. Petitioner filed on 9/27/2012 a *Declaration of Attorney Timothy P. O'Rourke Re: Deposit of Copy of Codicil* stating that Mr. O'Rourke is the Attorney who prepared the Will and Codicil for the Decedent, his records show he gave the Decedent the original Codicil in April 2006, and the copy attached to his *Declaration* is a true and correct copy of the Codicil. Probate Code § 8223 provides a petition for probate of a lost Will (also applies to a lost Codicil to a Will) shall include a written statement of the testamentary words or their substance, which is satisfied by the instant *Declaration* of Mr. O'Rourke. The code goes on to state that if the lost Will is proved (or in this case, the lost Codicil), the provisions of the Will (or Codicil) shall be set forth in the order admitting the Will and Codicil to probate. Pursuant to Probate Code § 8223, need revised proposed order containing the provisions of only the lost First Codicil to the Will (i.e., a copy of *First Codicil attached to the proposed order with a signature line included on the last page of the First Codicil for the Court's approval.*)

Note: If petition is granted, Court will set status hearings as follows:

- **Friday, March 29, 2013 at 9:00 a.m. in Dept. 303** for filing of inventory and appraisal; and
- **Friday, January 3, 2014 at 9:00 a.m. in Dept. 303** for filing of first account and/or petition for final distribution.

Pursuant Local Rule 7.5, if the documents noted above are filed 10 days prior to the dates listed, the hearings will be taken off calendar and no appearance will be required.

Petition for Appointment of Temporary Guardianship of the Person

Age: 5 years		<u>General Hearing 12/13/2012</u>		NEEDS/PROBLEMS/COMMENTS:	
		MARY WINTER , maternal grandmother, is petitioner.			
		Father: GREGORY C. THARPE – personally served on 10/18/2012.			
Cont. from		Mother: SARA THARPE – consents and waives notice.			
	Aff.Sub.Wit.				
✓	Verified				
	Inventory				
	PTC				
	Not.Cred.				
✓	Notice of Hrg			Paternal grandfather: Paul Clark Paternal grandmother: Rowena Clark Maternal grandfather: David Winter	
	Aff.Mail				
	Aff.Pub.				
	Sp.Ntc.				
✓	Pers.Serv.	W/			
✓	Conf. Screen				
✓	Letters				
✓	Duties/Supp				
	Objections				
	Video Receipt				
	CI Report				
	9202				
✓	Order				
	Aff. Posting				
	Status Rpt				
✓	UCCJEA				
	Citation				
	FTB Notice				
				Reviewed by: KT	
				Reviewed on: 10/22/12	
				Updates:	
				Recommendation:	
				File 12 - Tharpe	

Petition for Final Distribution on Waiver of Accounting

DOD: 7/18/2011		MICHELLE BOSWELL , Executor, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Accounting is waived.	
Cont. from		I & A - \$123,200.00	
		POH - \$121,460.40	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified	Executor - waives	
<input checked="" type="checkbox"/>	Inventory		
<input checked="" type="checkbox"/>	PTC	Distribution, pursuant to Decedent's Will, is to:	
<input checked="" type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg	Mansel Lee Martinusen - \$6,115.10 and ¼ interest in real property.	
<input checked="" type="checkbox"/>	Aff.Mail	Michelle Boswell - \$6,115.10 and ¼ interest in real property.	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.	Thomas Martinusen - \$6,115.10 and ¼ interest in real property.	
	Conf. Screen		
<input checked="" type="checkbox"/>	Letters	Janie Guynes - \$6,115.10 and ¼ interest in real property.	
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
<input checked="" type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
<input checked="" type="checkbox"/>	FTB Notice		
			Reviewed by: KT
			Reviewed on: 10/23/12
			Updates:
			Recommendation: SUBMITTED
			File 13 - Martinusen

Petition for Appointment of Temporary Guardian of the Estate

Age: 16 years		<u>GENERAL HEARING 11/29/12</u>		NEEDS/PROBLEMS/COMMENTS:	
		PETER JEFFREY GARZA , father, is petitioner and requests appointment as guardian of the estate without bond.		<p>1. Petition does not include the child information attachment. Therefore the names and addresses of the paternal grandparents, maternal grandparents and siblings have not been provided. In addition, the information regarding whether or not the minor is of Indian ancestry is not included. All the missing information could affect notice.</p> <p>2. Petition requests that bond be waived. Local Rule 7.8.11 states absent a showing of good cause it is the policy of the court to block all funds in Guardianship estates.</p> <p>3. Need Notice of Hearing</p> <p>4. Need proof of personal service of the Notice of hearing along with a copy of the Petition or Consent and Waiver of Notice on: a) Peter Jeffery Garza, Jr. (minor)</p>	
Cont. from		Estimated value of the estate:			
	Aff.Sub.Wit.		Personal property - \$282,000.00		
✓	Verified				
	Inventory				
	PTC				
	Not.Cred.				
	Notice of Hrg	X			
	Aff.Mail				
	Aff.Pub.				
	Sp.Ntc.				
	Pers.Serv.	X			
✓	Conf. Screen				
✓	Letters				
✓	Duties/Supp				
	Objections				
	Video Receipt				
	CI Report				
	9202				
✓	Order				
	Aff. Posting				
	Status Rpt				
	UCCJEA				
	Citation				
	FTB Notice				
				Reviewed by: KT	
				Reviewed on: 10/23/12	
				Updates:	
				Recommendation:	
				File 14 - Garza	